

RESPONSE

RESTRICTION UNDER 35 USC § 121

The present application has been made subject to a restriction under 35 U.S.C. 121 as follows:

- I. Claims 1-7, 9, and 10, drawn to a composition and a coated substrate;
- II. Claim 8, drawn to a process of coating
- III. Claim 11, drawn to a coated automobile or truck top

Applicants affirm the provisional election of I, claims 1-7, 9 and 10, with traverse. Applicants traverse the restriction on the basis that I, II, and III include at least one linking claim. Indeed, Group I as defined by the Examiner, represents a composition, wherein Group II is drawn to use of the composition of to achieve Group III. Furthermore, the Examiner has assigned at least one common class (428) to Groups I and III, which supports Applicants' belief that there would be little burden on the Examiner to examine I, II and III simultaneously. Applicants respectfully request advancing efficient prosecution by withdrawing the restriction and proceeding with examination of all pending claims, 1-11.

OBJECTION

The Examiner has objected to claim 3, noting that n should be "0" rather than "O." Applicants have amended claim 3 to overcome the objection.

REJECTIONS

The Examiner has rejected claim 7 under 35 U.S.C. § 112, on the basis that the term "a functional polymer that is fluorinated to a sufficient amount" is not defined. Claim 7 is now amended to overcome the rejection. Withdrawal of the rejection is respectfully requested.

The Examiner has provisionally rejected claim 1 under the judicially created doctrine of obviousness-type double patenting over claim 8 of co-pending Application No. 10/668,989 and over claim 9 of co-pending Application No. 10,668,992. As none of the claims that Examiner has cited as conflicting claims have been allowed, Applicants will file a terminal disclaimer if and when appropriate.


The Examiner has rejected claims 1-7, 9 and 10 under 35 USC § 102(b) as being anticipated by JP-11-100797 A ('797) Machine translation. Applicants have amended claims 1-7, 9 and 10. In view of Applicants' amendment, withdrawal of the rejection is respectfully requested. Applicants' claims, as amended, recite an automobile or truck body

top coat coating composition. Conversely, the '797 reference discloses a coating that is suitable for coating paper. Reconsideration of the rejection is respectfully requested.

The Examiner has rejected claims 1-7, 9, 10 under 35 USC § 103(a) as being unpatentable over JP2003-129003A in view of Johnson et al. US 6,350,526 B1). Applicants' invention is directed to a top coat coating composition. The '003 reference discloses and claims electrodeposition coating material, which is neither an actual top coat, nor is it similar to top coat coatings. Electrodeposition coatings are corrosion resistant primer coatings that are applied beneath top coats. It follows then that electrodeposition coatings are not the same nor suitable as top coats. Withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the foregoing, examination and allowance of claims 1-11 is requested. If anything further is needed to advance prosecution of this application, the Examiner is invited to contact Applicants' attorney at the telephone number provided below.


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